

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILMER B. GAY,
Plaintiff

v.

VINCENT MOONEY,
WILLIAM FULMER
Defendants

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CIVIL ACTION

No. 02-4693

AND NOW, this 25th day of August, 2005, upon consideration of plaintiffs' Motion to Compel (Paper #92), and the response thereto, and it appearing that:

- a. On March 15, 2005, the court ordered discovery in this action to be completed by May 16, 2005 and for plaintiff to file his final pretrial memorandum on or before that same date (Paper #55).
- b. On April 15, 2005, plaintiff filed a motion to compel discovery (Paper #63).
- c. On May 25, 2005, the court granted in part and denied it in part plaintiff's motion to compel discovery (Paper #70).
- d. On May 27, 2005, after plaintiff had failed to file his final pretrial memorandum, the court vacated its March 15, 2005 order (Paper #55), and ordered discovery to be completed by June 20, 2005, and also for plaintiff to file his final pretrial memorandum on or before June 20, 2005. (Paper #74).
- e. On June 20, 2005, plaintiff filed a motion to reinstate his motion to compel (Paper #79).
- f. On June 23, 2005, after plaintiff had failed for the second time to file his final pretrial memorandum, this court vacated its May 27, 2005 order, and ordered plaintiff to file his final pretrial memorandum by July 5, 2005 (Paper #84).
- g. On June 30, 2005, plaintiff filed a Motion to compel and for an extension of time to complete discovery (Paper #85).
- h. On July 13, 2005, this court granted in part plaintiffs' motion to compel and ordered that plaintiff file his final pretrial memorandum by August 19, 2005

(Paper #89).

- i. On August 8, 2005, plaintiff filed a “second motion to compel” (Paper #92).
- j. On August 19, 2005, plaintiff for the third time failed to file his final pretrial memorandum.

It is **ORDERED**

- 1. Plaintiffs’ Motion to Compel (Paper #92) is **DENIED** because defendants have already responded to his “Second Set of Interrogatories to Defendant.” *See* Response to Plaintiff’s Second Motion to Compel Response to July 13, 2005 Order at 2 (August 24, 2005).
- 2. Discovery having been completed, plaintiff shall file no more motions to compel in this action.
- 3. This court’s order of July 13, 2005 (Paper #89) is **VACATED**.
- 4. Plaintiff shall file his final pretrial memorandum on or before **SEPTEMBER 16, 2005. THIS COURT WILL NOT EXTEND THIS DEADLINE AGAIN ABSENT EXTREME GOOD CAUSE.**
- 5. Defendant Mooney shall file his final pretrial memorandum on or before October 11, 2005.

Norma L. Shapiro, S.J.

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